

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM BOIKO, MICHELLE BOIKO,

Plaintiffs,

-against-

DEPUTY SHERIFF RICHARD KOWLASKI,
DEPUTY SHERIFF GARY KANE,
THE COUNTY OF NASSAU,

Defendants.
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FEUERSTEIN, J.

ORDER

13-CV-2530 (SJF)(GRB)

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ JUL 02 2014 ★

LONG ISLAND OFFICE

On April 26, 2013, plaintiffs William Boiko and Michelle Boiko ("plaintiffs")¹ commenced this action against Deputy Sheriff Richard Kowlaski, Deputy Sheriff Gary Kane, and the County of Nassau ("defendants"), alleging civil rights violations pursuant to 42 U.S.C. § 1983. [Docket Entry No. 1].

Presently before the Court is the Report and Recommendation (the "Report") of Magistrate Judge Gary R. Brown, dated June 16, 2014, recommending that this case be dismissed for plaintiffs' failure to prosecute. [Docket Entry No. 22]. No objections to the Report have been filed. For the following reasons, the Court accepts Magistrate Judge Brown's Report in its entirety.

I. Standard of Review

Any portion of a report and recommendation on dispositive matters to which a timely objection has been made is reviewed *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court, however, is not required to review the factual findings or legal conclusions of the

¹ At the time of the commencement of this action, plaintiffs were represented by counsel. On March 7, 2014, this Court granted plaintiffs' counsel's motion to withdraw.

magistrate judge as to which no proper objections are interposed. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. *See Fed. R. Civ. P. 72(b)*; *Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y. 2007), *aff'd*, 305 F. App'x 815 (2d Cir. Jan. 9, 2009); *Baptichon v. Nevada State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. Apr. 13, 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

II. Discussion

No objections to Magistrate Judge Brown's Report have been filed. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts Magistrate Judge Brown's Report in its entirety. This case is dismissed with prejudice for plaintiffs' failure to prosecute, *see* Fed. R. Civ. P. 41(b), and the Clerk of Court is directed to close this case.

In accordance with Rule 77(d) of the Federal Rules of Civil Procedure, the Clerk of Court shall serve a copy of this order upon all parties, including mailing a copy of this order to the plaintiffs, and shall record such service on the docket.

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: July 2, 2014
Central Islip, New York